

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 3, 2003**

DIVISION ONE

B156776      Cosme Basurco                      (Not for Publication)

                 v.  
                 21st Century Insurance Co.

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B154888      Jessie Ortiz                                      (Not for Publication)

                 v.  
                 Foothill Transit Authority

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

B144282      Tatung Company of America, Inc.              (Not for Publication)

                 v.  
                 Thomas Shen, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

## April 3, 2003 (Continued)

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B158245 Collier (Not for Publication)  
v.  
Sweeney

The April 5, 2002, order denying Sweeney's motion to quash service of summons is reversed. The matter is remanded with directions to the trial court to vacate that order, the default entered March 13, 2001, and the default judgment entered December 10, 2001, and to enter an order granting the motion to quash. Sweeney is entitled to costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B157796 James H. Cowan & Associates, Inc. (Not for Publication)  
v.  
Carson

The matter is remanded with directions to modify the judgment so that the total amount due James H. Cowan and Associates from Joanna Carson is \$13,854.10, payable no later than 30 days after the date this opinion becomes final. The judgment is to reflect that Cowan's further performance under the settlement agreement is excused. Respondent is entitled to costs on appeal.

Ortega, J.

I concur: Spencer, P.J.  
I concur & dissent: Mallano, J. (Opinion)

April 3, 2003 (Continued)

DIVISION TWO

B153284 Weber (Certified for Publication)  
v.  
United Parcel Service Inc.

The judgment of dismissal as to UPS is affirmed. Costs on appeal are awarded to respondent.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B157438      Bonnaud, et al.      (Not for Publication)  
v.  
S.C.L.A.  
Liker et al.

Let a writ of mandate issue directing the superior court to set aside its order denying petitioners' motion for summary judgment, and issue a new and different order granting the motion. The temporary stay is vacated. Petitioners are awarded the costs of this petition.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Nott, J.

B160159 People (Certified for Publication)  
v.  
Chagoyan

The order under review is reversed and the matter is remanded for a hearing in accordance with the views expressed herein.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

April 3, 2003 (Continued)

## DIVISION TWO (Continued)

B155955 People (Not for Publication)  
v.  
Hinds

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                   Ashmann-Gerst, J.

B161896 People (Not for Publication)  
v.  
Flippin

The Court:

The judgment is affirmed.

## DIVISION THREE

B159258      Desiree Atkins, et al.      (Not for Publication)  
v.  
Department of Water and Power of the City of Los Angeles.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B152957 Michael J. Piuze, et al. (Not for Publication)  
v.  
Isaac Soffer, et al.

The order striking the complaint is reversed, and the order awarding attorney fees is vacated. Each party must bear its own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (Continued)

B146491 People  
v.  
Phan, et al.

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)

## DIVISION FOUR

B155127 People (Not for Publication)  
v.  
Rideau

Based on our review of the record and applicable law, the judgment is modified to reflect: (1) the imposition and staying of a \$10,000 parole revocation fine (§ 1202.45); (2) the striking of all but one of the \$200 fines under 290.3; and (3) the imposition of a \$200 state and a \$140 county penalty assessment. As modified, the judgment is affirmed.

We remand the matter with directions to the trial court to prepare a minute order and amended abstract of judgment to reflect:

(1) appellant's precommitment credit award consists of 508 days custody and 254 days conduct; (2) the imposition of a stayed \$10,000 parole revocation fine (§ 1202.45); (3) the imposition of a single \$200 fine (§ 290.3); and (4) the imposition of a \$200 state and \$140 county penalty assessment.

We further direct the trial court on remand to amend the abstract of judgment to reflect: (1) appellant's convictions in counts 12 and 13 were for violations of section 288.1, subdivision (b)(1), not section 288, subdivision (c)(1), and his conviction in count 14 was for a violation of section 289, subdivision (h), not section 288, subdivision (c)(1); and (2) the deletion of references to appellant as having been convicted of making terrorist threats as charged in count 29 and sentenced to serve eight months on such count.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

April 3, 2003 (Continued)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B162919 People v. Shabazz  
B161334 DCFS v. Michelle K.  
B165242 People v. Tarver  
B154298 Richter v. Aetna Life Ins.  
B160833 Gasperi v. Pasamonte

Argument waived, cause submitted.

B160990     People  
               v.  
               Mack Bonds

Merits:

Argued by Edward A. Hoffman for appellant and by Alan D. Tate, deputy attorney general, for respondent. Cause submitted.

B154298     Maxine Richter  
               v.  
               Aetna Life Insurance

Merits:

Argued by Sherril Babcock for appellant and by Martin E. Rosen for cross-appellant. Cause submitted.

Court recessed at 9:45 a.m.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

April 3, 2003 (Continued)

DIVISION FIVE (Continued)

B157766     Andrew Sandore, et al.  
              v.  
              State Farm General Insurance Company, et al.

Merits:  
Argued by Gerald M. Serlin for appellants and by Randall Melvin Nunn for respondent. Cause submitted.

B153937     People  
              v.  
              Yale Fisher

Merits:  
Argued by Paul L. Hoffman for appellant and by Stephen A. McEwen, deputy attorney general, for respondent. Cause submitted.

Court recessed at 10:55 a.m.

Court reconvened at 11:05 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher and Z. Heraldez, Deputy Clerks.

Each of the following:

B158014 People v. DeGuzman  
B157231 People v. Thomas

Argument waived, cause submitted.

B162210     Net2Phone, Inc.  
              v.  
              Consumer Cause

Merits: Argued by Timothy T. Coates on behalf of petitioner. Real party in interest waived argument. Case submitted.

April 3, 2003 (Continued)

DIVISION FIVE (Continued)

B159851 County of Los Angeles  
v.  
Brian Harrison

Merits:  
Argued by Fesia A. Davenport for respondent. No appearance by appellant.  
Cause submitted.

B155669 Yanz & Hertz  
v.  
Glenn Beckner

Merits:  
Argued by Derek L. Tabone for appellant and by Robert A. Brock for  
respondent. Cause submitted.

B147015 People  
v.  
Schmaus, et al

Merits: Argued by Dennis A. Fischer on behalf of appellant Schmaus, by  
David H. Goodwin for appellant Beattie, by Janyce Keiko Imata Blair for  
appellant Black, and by Douglas L. Wilson, deputy attorney general, for  
respondent. Cause submitted.

B154090 Unilab Corporation  
v.  
Jeremiah Aguolu-Okwonkwo

Merits:  
Argued by Lola M. McAlpin-Grant for appellant and by Harold Charles  
Klaskin for respondent. Cause submitted.

Court recessed.

Court reconvened at 12:32 a.m.



DIVISION FIVE (Continued)

Present: Turner, P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez and J. Belcher,  
Deputy Clerks.

B160381      People v. Goshen

Argument waives, submission deferred, supplemental briefs ordered.

B156720      People  
                 v.  
                 Anthony J. Lira

Merits:

Argued by James M. Crawford for appellant and by Susan S. Kim, Deputy  
Attorney General for respondent. Cause submitted.

B158443      Felicia MacDonald  
                 v.  
                 Robert MacDonald  
                 Malcolm Ellis

Merits:

Argued by Howard Gertz for appellant Ellis and by Ellyn Garofalo for  
respondent. Cause submitted.

B162452      Long Beach Community College District  
                 v.  
                 Los Angeles Superior Court  
                 Thon Turner, Jr. et al.,

Merits:

Argued by John W. Allen for petitioner and by Marshall A. Caskey for real  
parties in interest. Cause submitted.

April 3, 2003 (Continued)

DIVISION FIVE (Continued)

B159311     People  
              v.  
              Linda Abelman

Merits:

Argued by Shirley S.N. Sun, deputy district attorney, for appellant and by Michael G. Evans and Raul Martinez for respondent. Cause submitted.

Court recessed at 1:35 p.m.

Court reconvened at 1:45 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B160270     Sierra Club, et al.  
              v.  
              City of Industry

Merits:

Argued by Susan L. Durbin, deputy attorney general, Amicus Curiae for appellants, by Carlyle W. Hall and June Ailin for appellants and by Stephen R. Onstot, Gregory M. Kunert and Jack H. Rubens for respondents. Cause submitted.

Court recessed at 2:40

Court reconvened at 2:50 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B161539 DCFS v. Socorro L.  
B154640 Armstrong v. Reicheun

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B159856     People  
              v.  
              Billy Rodgers

Merits:  
Argued by Stephen M. Lathrop for appellant and by Jonathan J. Kline,  
deputy attorney general, for respondent. Cause submitted.

B159713     Shari Eubanks  
              v.  
              Charles Mathews

Merits:  
Argued by Ted H. Luymes for appellant and by Roxanne Huddleston for  
respondent. Cause submitted.

B156569     John Almaraz  
              v.  
              County of Los Angeles

Merits:  
Argued by Dale M. Fiola for appellant and by Cynthia E. Tobisman for  
respondents. Cause submitted.

B164712     The People  
              v.  
              Superior Court, Los Angeles County  
              (Fred Wilson, r.p.i.)

Merits:  
Argued by Roberta Schwartz, deputy district attorney, for petitioner and by  
Michael E. Goodman, alternate public defender, for real party in interest.  
Cause submitted.

April 3, 2003 (Continued)

DIVISION FIVE (Continued)

B160068 County of Los Angeles  
v.  
Workers Compensation Appeals Board  
(Daniel Glover, r.p.i.)

Merits:

Argued by James John Castranova for petitioner and by Aaron Straussner  
for real party in interest. Cause submitted.

Court adjourned.

DIVISION EIGHT

B158840 Consumer Advocacy Group, Inc.  
v.  
Amerihost Properties Inc. et al.,

B163674 Consumer Advocacy Group  
v.  
Interstate Hotels, et al.

Filed order consolidating above captioned appeals.